

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 23, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDDIE RAY HALL,

Defendant.

No. 2:09-CR-00116-RHW-1

**ORDER DIRECTING U.S.
PROBATION OFFICE TO
INVESTIGATE DEFENDANT'S
PROPOSED RESIDENCE**

Before the Court are Defendant's (1) Motion to Reduce Sentence, **ECF No. 228**, and (2) Motion for Appointment of Counsel, **ECF No. 238**.

In his Motion to Reduce Sentence, Defendant argues that the conditions of his incarceration at FCI Milan place him at a high risk of contracting—and of having a greater reaction to infection from—the SARS-CoV-2 virus because of his existing medical conditions and the alleged inability of prison staff to handle the outbreak. *See* ECF No. 228. Defendant asks the Court to reduce his term of imprisonment from 195 months to time served and impose home confinement as an additional condition of supervised release. *See* ECF No. 237 at 15 (requesting

1 “release to home confinement under the watchful eye of Probation.”). He further
2 states that if the Court were to grant his motion, he intends to live with his cousin,
3 Richard Rossbach, at Mr. Rossbach’s residence in Hungry Horse, Montana.¹ *Id.* at
4 6.

5 Before ruling on Defendant’s motion, the Court finds that it should first
6 ensure that Defendant’s proposed release plan is suitable, given that a suitable
7 residence is necessary to implement a potential condition of home confinement.
8 Accordingly, the Court will direct the U.S. Probation Office to investigate
9 Defendant’s proposed release plan and file a status report within 14 days that
10 outlines the results of its investigation.

11 Moreover, both parties ask that should the Court grant Defendant’s motion,
12 that it also order the Bureau of Prisons to quarantine him for 14 days and test him
13 prior to his release, in order to minimize the possibility of any spread of COVID-
14 19 to the public. *See* ECF No. 234 at 17; No. 237 at 16. Accordingly, the Court
15 will request that the Bureau of Prisons begin quarantining Defendant over the
16 course of the next 14 days and then test him, to prepare for the possibility of
17 release should the Court grant his motion.

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¹ The U.S. Probation Office for the District of Montana has indicated that it is willing to provide courtesy supervision of Defendant.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Appointment of Counsel, **ECF No. 238**, is
3 **GRANTED**. Pursuant to the provisions of the Criminal Justice Act ("CJA"), 18
4 U.S.C. §§ 3006A(a)(1) and (c), the Office of the Federal Defender for the Eastern
5 District of Washington & Idaho is appointed to represent Defendant. The
6 appointment of counsel is limited to Defendant's motion for a reduction of
7 sentence due to the outbreak of COVID-19, *see* 18 U.S.C. § 3582(c)(1)(A), and
8 will terminate upon the Court's ruling on Defendant's motion, unless otherwise
9 ordered by the Court.

10 2. The Court **RESERVES RULING** on Defendant's pending Motion to
11 Reduce Sentence, **ECF No. 228**.

12 3. The U.S. Probation Office is directed to investigate the suitability of
13 Defendant's proposed release plan at the residence in Hungry Horse, Montana.
14 Defense counsel shall provide all information regarding this proposed residence—
15 including Mr. Rossbach's name, address, telephone number, and any other contact
16 information—to the U.S. Probation Office to facilitate its investigation. The U.S.
17 Probation Office shall file a status report outlining its findings within 14 days from
18 the entry of this order.

1 4. The Court **REQUESTS** that the Bureau of Prisons begin quarantining
2 Defendant over the course of the next 14 days and then test him, to prepare for the
3 possibility of release should the Court grant his motion.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order and forward copies to counsel, the U.S. Probation Office for the Eastern
6 District of Washington, the U.S. Probation Office for the District of Montana, and
7 the Bureau of Prisons.

8 **DATED** this July 23, 2020.

9 s/Robert H. Whaley
10 ROBERT H. WHALEY
 Senior United States District Judge